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Filing date: **10/09/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191712
Party	Defendant TAINAN ENTERPRISES CO., LTD.
Correspondence Address	STEVEN M. RABIN RABIN & BERDO, P.C. 1101 14TH ST NW STE 500 WASHINGTON, DC 20005-5633 firm@rabinberdo.com
Submission	Answer
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Date	10/09/2009
Attachments	Kellogg North America v. Tainan Enterprises - 91191712 - ANSWER PDF.pdf (2 pages)(9971 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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)	
KELLOGG NORTH AMERICA COMPANY,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91191712
)	
)	
TAINAN ENTERPRISES CO., LTD.,)	
)	
Applicant.)	
)	
-----)	

ANSWER

COMES NOW the Applicant Tainan Enterprises Co., Ltd. (“Applicant”), by and through counsel, and responds to the Notice of Opposition filed by Opposer Kellogg North America Company (“Opposer”), by responding to each enumerated paragraph of the said Opposition. Any allegation in the Opposition not specifically admitted herein is denied.

1. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 1, and therefore denies the same.
2. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 2, and therefore denies the same.
3. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 3, and therefore denies the same.
4. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 4, and therefore denies the same.
5. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore denies the same.
6. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore denies the same.
7. Applicant admits the allegations in Paragraph 7.
8. Applicant denies the allegations in Paragraph 8.
9. Applicant denies the allegations in Paragraph 9.
10. Applicant denies the allegations in Paragraph 10.
11. Applicant denies the allegations in Paragraph 11.

WHEREFORE, Applicant denies the allegations in the final paragraph of the Notice of Opposition, and respectfully prays that Judgment be entered for Applicant and against Opposer in this proceeding, that the Opposition be dismissed, and that Applicant's mark be allowed to advance to registration on the Principal Register.

Registrant will assert any affirmative defense or compulsory or permissive counterclaim that may be developed throughout discovery and testimony periods in this proceeding.

Respectfully submitted,

TAINAN ENTERPRISES CO., LTD.

Date: October 9, 2009

/M. Scott Alprin/
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Answer** has been served on Opposer by depositing said copy in the mail on October 12, 2009 via pre-paid First Class Mail, addressed to:

David A. Herdman
KELLOGG NORTH AMERICA COMPANY
One Kellogg Square PO Box 3599
Battle Creek, MI 49016
UNITED STATES

/M. Scott Alprin/
M. Scott Alprin